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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 PATRICIA A. HAMPSON,

11 Plaintiff,

12 v.

13 COMMISSIONER OF SOCIAL
14 SECURITY,

Defendant.

CASE NO. 3:20-cv-05405-JRC

ORDER ON MOTIONS FOR
REVISION AND FOR EXTENSION

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16 This matter is before the Court on the parties' consent (Dkt. 2) and on plaintiff's motion
17 for a revision (Dkt. 12) and defendant's motion for an extension. Dkt. 14.

18 The Administrative Record in this matter was due on July 7, 2020. *See* Dkt. 7. On July
19 13, 2020, defendant requested the Court's permission "to extend this case for 28 days, to August
20 10, 2020" and to be allowed to file "a status report with the Court" if the Administrative Record
21 was not ready to file by August 10. Dkt. 9, at 1. Defendant represented to the Court that
22 "[p]laintiff's counsel was contacted and indicated no objection to this motion." Dkt. 9, at 1.
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1 Because defendant represented that plaintiff did not oppose the motion and based on
2 defendant's supporting materials discussing difficulties preparing the Administrative Record
3 caused by the COVID-19 pandemic, the Court granted defendant's request. Dkt. 11, at 1. The
4 Court instructed defendant, "If the Commissioner is unable to file the certified administrative
5 record [August 10, 2020], the Commissioner shall file a status report by that date and every
6 subsequent 28 days until the certified administrative record becomes available." Dkt. 11, at 2.

7 In response, plaintiff filed the pending motion for revision, explaining that defendant only
8 obtained plaintiff's attorney's agreement to an extension of the Administrative Record due date
9 to August 10, 2020. Dkt. 12, at 2. According to plaintiff's attorney, defendant's attorney never
10 asked for or received permission to file 28-day status reports in lieu of properly supported
11 motions for extensions. Dkt. 12, at 2. Indeed, plaintiff's attorney objects to allowing status
12 reports, stating,

13 it tolerates a complacency regarding the Defendant's requirement to meet important
14 filing deadlines. This would authorize an extension with no definite end. While a
15 month here or a month there may not seem significant to the Defendant, it is a very
big deal to Ms. Hampson, who is trying to live on \$197/month. . . .
Dkt. 12, at 2.

16 Plaintiff explains that "[s]ince the Court's July 15, 2020 Order ([Dkt.] 11) does not reflect
17 the agreement of the parties, we request that it be modified to remove the objectionable language
18 related to status reports" and that "if the Defendant is unable to file an answer and transcript on
19 or before August 10, 2020, he should be prepared to provide a specific explanation as to why not,
20 and a good faith estimate as to when he will be able to do so." Dkt. 12, at 2.

21 In response to plaintiff's motion for revision, defendant's counsel does not dispute that he
22 failed to obtain plaintiff's counsel's acquiescence to filing status reports in lieu of extension
23 motions. Instead, defendant has filed a second motion for an extension, seeking to be allowed to
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1 file the Administrative Record on or before September 8, 2020. Dkt. 14. Defendant states that
2 plaintiff does not object to the request and that instead of a status report, defendant will file
3 another motion for extension, if necessary. Dkt. 14, at 1.

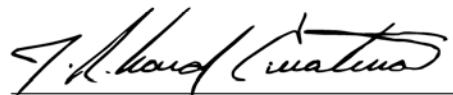
4 It is generally this Court's practice to approve the stipulation of the parties regarding
5 matters such as the timeline for filing the Administrative Record. Consistent with the spirit of
6 the local civil rules, this practice encourages the parties to work together to efficiently resolve
7 disputes over filing deadlines without unnecessary Court intervention. However, this practice is
8 unworkable when attorneys fail to actually obtain opposing counsel's agreement before filing an
9 "unopposed" motion.

10 The Court trusts that in the future, defendant will obtain plaintiff's consent to all of the
11 proposed scheduling order—not simply one portion.

12 Because plaintiff has no opposition, the Court will grant defendant's second motion for
13 an extension (Dkt. 14) and will allow the Administrative Record to be filed on or before
14 September 8, 2020. As with any deadline, the Court will consider a timely presented motion for
15 an extension of this deadline, if necessary.

16 The Court also grants plaintiff's motion for a revision. Dkt. 12. The Court amends its
17 prior Order (Dkt. 11) by striking the portion of that Order allowing defendant to file status
18 reports every 28 days until the Administrative Record can be filed.

19 Dated this 12th day of August, 2020.

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22 J. Richard Creatura
23 United States Magistrate Judge
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